

RECEIVED 06 MAR 2006 PCT

Appl. No. : 10/542,681(PCT/US2004/02890) Confirmation No. 9331
Applicant (s) : Myers, et al.
Filed : February 3, 2004
TC/A.U. : Unknown
Examiner : Unknown
Title : RUBBER MODIFIED POLYMERS FROM VINYL AROMATIC
MONOMERS
Docket No. : 43229A
Customer No. : 00109

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS
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March 3, 2006

DATE OF DEPOSIT

Amber K. Mobley

PRINT OR TYPE NAME OF PERSON SIGNING CERTIFICATE

Amber K. Mobley

SIGNATURE OF PERSON SIGNING CERTIFICATE

March 3rd 2006

DATE OF SIGNATURE

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO NOTICE TO FILE MISSING PARTS

This is in response to the recently received Notice of Missing Requirements dated 15 February 2006 and was recently discussed in a telephone conversation between Amber Mobley and Karen Williams of the USPTO on 27 February 2006. In the Notice we are advised that the Patent Office file is missing two inventors' signatures to the required Declaration. As was discussed with Ms. Williams, our records show that the required Declarations signed by all inventors (each being a separate page) had been submitted in July 2005 along with the rest of the required items. As was suggested by Ms. Williams, Applicant files herewith an Affidavit regarding the earlier submission of the signed Declarations in the above-identified patent application.

As can be seen from the enclosed Affidavit and its attachments, in connection with the entry of the above-identified Application into the national phase in the U.S. Receiving Office, Stephanie Potts sent the following listed documents to the U.S. Receiving Office on 19 July 2005 by depositing in Express Mail (package tracking number EV318534352US):

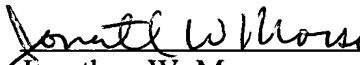
- PTO-1390 with Cover Sheet;
- Original signed Declaration(s) (total of 4 sheets); and
- return post card.

Each of the four inventors had signed a declaration as shown in the attached copies. It appears, however, that we never received the receipt confirmation postcard back from U.S. Receiving Office. Thus, from these facts, it appears that the package containing the PTO-1390, the Declarations and the postcard was received but that two of the Declarations and the postcard were subsequently misplaced.

It therefore appears that no requirements were missing in connection with the above application as submitted. Applicants therefore request that the enclosed copies of the missing Inventors' Declarations be used for further processing of this Application and that the \$130 Surcharge noted in the Notice be waived in this case. If the \$130 Surcharge is not waived at this time, it may be charged to our Deposit Account No. 04-1512 reserving the right to have it reimbursed at a later date. One copy of this sheet is enclosed.

08/18/2006 UNKNOWN 00000000 000000 10/1/06
01/10/2007 000000 00

Respectfully submitted,


Jonathan W. Morse
Registration No. 30,200
Phone: (989) 636-8298

P. O. Box 1967
Midland, MI 48671-1967

JWM/akm



UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.

10/542,681

FIRST NAMED APPLICANT

Michael O Myers

ATTY. DOCKET NO.

43229A

INTERNATIONAL APPLICATION NO.

PCT/US04/02890

I.A. FILING DATE

02/03/2004

PRIORITY DATE

02/05/2003

109

THE DOW CHEMICAL COMPANY
INTELLECTUAL PROPERTY SECTION
P. O. BOX 1967
MIDLAND, MI 48641-1967

CONFIRMATION NO. 9331

371 FORMALITIES LETTER



OC000000018042834

N/E

Date Mailed: 02/15/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/19/2005
- Copy of the International Search Report filed on 07/19/2005
- Copy of IPE Report filed on 07/19/2005
- Oath or Declaration filed on 07/19/2005
- U.S. Basic National Fees filed on 07/19/2005
- Priority Documents filed on 07/19/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - missing two inventors' signatures
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

2-24-06
[Signature]
2-27-06
[Signature]

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/542,681	PCT/US04/02890	43229A

FORM PCT/DO/EO/905 (371 Formalities Notice)

EXPRESS MAIL MAILING LABEL NO. EV31853435245
DATE OF DEPOSIT: July 19, 2005

**THIS APPLICATION IS THE ENTRY INTO THE
NATIONAL PHASE UNDER 35 U.S.C. 371**

Applicant(s): DOW GLOBAL TECHNOLOGIES INC.

International Application No. PCT/US2004/002890

International Filing Date: 03 February 2004

Priority Date Claimed: 05 February 2003

Title: RUBBER MODIFIED POLYMERS FROM VINYL AROMATIC MONOMERS

Attorney's Docket No.: 43229A

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (if known, see 37 C.F. R. 1.5)

INTERNATIONAL APPLICATION NO.
PCT/US2004/002890

INTERNATIONAL FILING DATE
03 February 2004

PRIORITY DATE CLAIMED
05 February 2003

TITLE OF INVENTION

RUBBER MODIFIED POLYMERS FROM VINYL AROMATIC MONOMERS

APPLICANT(S) FOR DO/EO/US

Michael O. Myers; Mehmet Demirors; Bruce A. King; Mercedes R. Galobardes

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the Annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 15. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
13. ☐ A substitute specification.
14. ☐ A change of power of attorney and/or address letter.
15. ☐ Other items or information:

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.50)		INTERNATIONAL APPLICATION NO. PCT/US2004/002890		ATTORNEY'S DOCKET NUMBER 43229A	
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17. <input checked="" type="checkbox"/> The following fees are submitted: Basic National Fee (37 CFR 1.492(a)(1)-(5)): Search Report has been prepared by the EPO or JPO \$ 950.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) \$ 750.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) \$ 790.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445 (a)(2)) paid to USPTO \$ 1,110.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) \$ 100.00				CALCULATIONS		PTO USE ONLY	
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$ 950.00			
Surcharge of \$ 130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$			
Claims	Number Filed	Number Extra	Rate				
Total Claim	16 - 20 =	0	X \$ 50.00	\$ 0.00			
Independent Claims	2 - 3 =	0	X \$ 200.00	\$ 0.00			
Multiple dependent claim(s) (if applicable)			\$ 0.00	\$ 0.00			
Processing fee of \$ 0 for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0.00			
TOTAL NATIONAL FEE =				\$ 950.00			
				Amount to be refunded: \$			
				charged: \$			

a.	<input type="checkbox"/>	A check in the amount of \$ _____ to cover the above fees is enclosed.
b.	<input checked="" type="checkbox"/>	Please charge my Deposit Account No. 04-1512 in the amount of \$ 1,080.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
c.	<input checked="" type="checkbox"/>	The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 04-1512 . A duplicate copy of this sheet is enclosed.

Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO: Graham E. Taylor The Dow Chemical Company Intellectual Property P.O. Box 1967 Midland, Michigan 48641-1967 UNITED STATES OF AMERICA Phone: (989) 636-8298	Signature: <u><i>Jonathan W. Morse</i></u> Jonathan W. Morse , Registration No. 30,200 Date: <u>21 June 2005</u>
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2- 43229A

Received in the U.S. Receiving Office: PTO-1390 with Cover sheet (3 sheets) for US National Phase Filing, signed Declaration (4 sheets), post card

Applicant: Dow Global Technologies Inc, Michael O, Myers, et al
International Application No.: PCT/US2004/002890

Filed: 03 February 2004

Title: RUBBER MODIFIED POLYMERS FROM VINYL AROMATIC MONOMERS

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